WILLIAMSBURG CITY COUNCIL SEPTEMBER 8, 2005 MINUTES

The Williamsburg City Council held its regular monthly meeting on Thursday, September 8, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads: Clayton, Hudson, Nester, Weiler, Walentisch and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

MOMENT OF SILENCE

Mayor Zeidler called for a moment of silence to remember the victims of Hurricane Katrina in New Orleans and on the Gulf Coast. The images seen on television and in news accounts are heartbreaking, and our community is ready to help in any way we can. She asked that everyone pause in memory and in solidarity.

COUNCIL MINUTES

Mr. Scruggs Moved Approval of the Minutes of August 8 and 11, and Special Meeting of August 6, 2005. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Recognizing Williamsburg Fire Department and Police Department Honor Guards— Resolution #05-20

Mayor Zeidler said she was pleased to recognize the city's Fire and Police Honor Guards who perform at many ceremonial occasions in our community. She asked that Council adopt the proposed resolution.

Mr. Scruggs Moved That City Council Adopt Proposed Resolution #05-20, Recognition of City Honor Guards. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (See Attached Adopted Resolution #05-20)

Mayor Zeidler invited Honor Guard members Police Lt. Kellberg and Firefighter/EMT Trombley to join her at the podium. The Mayor read the adopted resolution and presented each gentleman with a copy (applause).

Presentation of E-3 Certification by the Virginia Department of Environmental Quality Dan Clayton recognized the work of the four members of the city's Environmental Quality program team: Al Brenick, Paul Reeser, Mike Lesniak, and Jon Roma. E-2 Certification was received last year for Environmental Enterprise and the E-3 Certification indicates Exemplary Environmental Enterprise. He introduced Frank Daniel and Tom Griffin from the DEQ to make the presentation to the Council.

Mr. Daniel said it was a pleasure to be at the meeting and present the E-3 certification. The city is a shining example for other Virginia localities and it is a pleasure to honor the city. He explained the environmental excellence program and its importance to our environment. It is an honor to receive the E-3 certification level, but there is still the higher E-4 to be achieved. He thanked the members of the city's team and Mr. Clayton.

Mr. Daniel and Mr. Griffin presented the Mayor with a plaque of certification and a flag (photographs were taken of Mr. Daniel, Mr. Clayton, the Mayor and team members). Mayor Zeidler said that the city was proud to be a leader in this program and recognized the work of the team members.

Excellence in Service Award – Human Services Deputy Director Linda Clarke

Mayor Zeidler said it was an honor to recognize a valued city employee. This award is given to a person that has been recognized by their fellow workers as an excellent city employee. She asked Ms. Clarke to join her at the podium. Mayor Zeidler read the recognition outlining Ms. Clark's responsibilities and accomplishments, and presented her with the "Excellence in Service to Williamsburg Award" plaque.

Ms. Clarke thanked Council and city staff. The last five years have gone by fast. She enjoys her work with the city, and appreciated the support of City Council, as well as other agencies in the community. She is very busy, but enjoys everyday, especially the work to help families.

PUBLIC HEARINGS

PCR #05-021: Request of Fife and Drum Inn for a Special Use Permit to Convert 218 North Boundary Street Into a Two Room Guest Cottage.

Reference for this item was Mr. Nester's report dated September 8, 2005. Mr. Nester explained that Sharon Scruggs, lessee of 218 N. Boundary Street, is proposing to convert the building from office use to a two-room cottage for transient guest of parties not to exceed six persons. The building will be converted and operated as part of the Fife and Drum Inn on Prince George Street. The driveway located to the side the building will provide parking. The Comprehensive Plan designates this property as Downtown Commercial land use and it is zoned LB-1 Limited Business Downtown District. Mr. Nester reviewed the intent of the LB-1 zoning and criteria for special use permits. The use of the building as a rental cottage is consistent with the Comprehensive Plan and with the intent of the LB-1 District. The Architectural Review Board has granted conceptual approval to the proposed exterior changes. The Planning Commission has recommended approval by Council.

Mayor Zeidler opened the public hearing. No one wished to speak. The hearing was closed.

Mr. Scruggs disclosed that he is married to the applicant and is involved in the business operations of the Fife and Drum Inn. He recused himself from this matter.

Mr. Nester saw no difficulty in operating this facility under the umbrella of the existing business. Council members indicated their support of this business expansion in the downtown area.

Mr. Haulman Moved that City Council Approve the Request of the Fife and Drum Inn for a Special Use Permit to Convert 218 North Boundary Street Into a Two-Room Guest Cottage. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None

Abstain: Scruggs

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Hurricane Katrina/Gulf Coast Region Update:

Chief Weiler introduced Brook Thomas, a member of the FEMA Urban Rescue Team, just returning from a deployment to Hancock, Mississippi, one of the areas impacted by the hurricane.

Lt. Thomas reported that he traveled to the Gulf Port area by convoy with a 70 member Task Force, and went immediately to work on arrival. His team had been trained for the worst and this deployment was it. They searched and rescued victims, non-survivors, and animals. There was no comparison between the damage to our area from Hurricane Isabel to the devastation in Hancock. Because of the violence that was erupting in the area, they had to build a secure compound around their sleeping area and received protection by the police and Army when working. Mr. Thomas emphasized that our city cannot be too prepared for this type of event. We have a great Emergency Operations Plan and the Emergency Operations Center prepares and drills, but no one can be ready for this type of emergency. We should learn from the lessons of Katrina.

Mayor Zeidler thanked Mr. Thomas for his commitment and courage to do this work. FEMA team members John Hansen and Randy Banks, and members of the team from James City County and York County, were recognized by the Mayor. The city needs to redouble its efforts to prepare for any disaster here.

Mr. Tuttle reported that locally, the Red Cross has received fifteen people from the Gulf Coast area as reported by the Virginia Emergency Operations Center. The Red Cross and FEMA have not yet designated the city as an evacuation site. The Commonwealth is offering to shelter 4,000 evacuees on a long term basis, and the city has offered to accept additional evacuees. The city's Human Services Department has established a local assistance center, working with the Red Cross to help evacuees. Mr. Tuttle thanked and

recognized Ms. Elizabeth Chisolm (Director of Big Brothers/Big Sisters) for her work during the last week. City staff members Edna Malpass and Latarsha Harris are coordinators for the center. Williamsburg could help twelve families or 20-30 people on a long term basis. All agencies are working together and the State's Emergency Operations Center is coordinating services. They have been advised of the local effort in Williamsburg and the Williamsburg area.

Peter Walentisch reported that the city started to mobilize by contacting the Citizen Corps representatives and is networking with the Red Cross and area churches regarding evacuees. To date, 37 adults and children (18 families) have come to our area.

Mr. Scruggs thanked the Mayor and City Manager for their response and representation regarding the emergency. Our City Manager is detail orientation and concerned about possible consequences of city actions. Mr. Scruggs had concerns about a newspaper article that made our staff and Mayor sound heartless. The city looks at things long term and he was glad that the city has asked questions in order to plan to help people long term in order to get them back into society.

Mr. Freiling said that the challenge across this country was the scope of what has happened. Helping people and absorbing them into the city and counties will take work. He appreciated the help of staff and agencies in the Williamsburg area to assist the evacuees.

Ms. Chisolm commented that hearts did outrace minds. She was trying to be of service to relocate people to Williamsburg. She was thrilled that the community has come together to support these people. She wants to help, and will do so, following the proper channels and pulling together resources.

Mr. Haulman said he had been in Panama City, Florida, and saw evacuees there. Williamsburg will help people, short term or long term, and that is what this community is all about.

City Manager Reports

Treyburn Drive Stage III Agreement

Reference for this item was Mr. Tuttle's report dated September 6, 2005, which included the Treyburn Drive Stage 3 proposal presented by Jack L. Massie, Contractor, Inc.

Mr. Clayton showed an overhead map of proposed Treyburn Drive and explained the three stages of the Treyburn Drive project. Stage II is near completion and Stage III is ready to start. He reviewed the roadway features of Treyburn Drive and the project costs (total \$7,471,402). The next steps in the process will be to approve the Stage III contract with Massie for \$5,530,200, to finalize the right-of-way acquisition process, to obtain VDOT approval, and to begin preliminary work in early October. Staff recommended that Council authorize the City Manager to execute the Stage III Agreement.

Mayor Zeidler thanked Mr. Clayton and was pleased this project was moving forward and that the city had a good partner.

Council members and Mr. Tuttle discussed the annual VDOT appropriation for roadways. The city is fronting funds that will be reimbursed by VDOT over an unspecified amount of

time. The funds from the state appropriations have been used for Richmond Road and Treyburn Drive. Urban federal dollars will accumulate over time for use on other projects.

Mr. Clayton explained condemnation, compensation, and right-of-way processes. Mr. Tuttle noted that no property owners have issue with the taking of property. Urban allocation funds from the State and Federal governments are monies funded that are dedicated to transportation and known to be reliable.

Mr. Clayton said that Richmond Road should be completed in December 2006, Treyburn Drive completed in June 2007, and Monticello/Ironbound intersection completed the end of 2006.

Mr. Haulman Moved That City Council Authorize the City Manager to Execute the Stage III Agreement with Jack L. Massie, Contractor, for Treyburn Drive, Contingent Upon Approval by VDOT to Proceed to Construction. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Sales Contract for Royals Property

Reference for this item was Mr. Tuttle's report dated September 7, 2005. Council members received a copy of the amended final version of the Purchase and Sale Agreement between the City of Williamsburg and Fourth Centrum of Virginia, Inc.

Mr. Tuttle provided background about the city's original purchase of the Royals Tract (shown on overhead map). It was Council's intent at the time of purchase to sell the front portion of the property on Mooretown Road and reserve the remaining 62 acres backing to Waller Mill Road as open space to protect the water shed. Mr. Tuttle was pleased with this proposal. The purchaser is a residential developer, proposing to build 500-550 agerestricted apartment-type units on 70 acres. Development impact on water quality will be low. The city would receive \$6.13M for the property.

Mr. Phillips explained the details and contingencies related to the pre-feasibility period, feasibility period, termination of the contract, financial arrangements, rezoning, site layout approval process, settlement provisions, and environmental restrictions.

Council members were pleased with the provisions of the agreement which are consistent with Council's intent for the property, and that restrictions are in place to protect the remaining portion of the property and the water shed.

Mr. Scruggs and Mr. Clayton discussed provisions of the agreement regarding protection of water quality, the water shed, impervious surface, and BMPs. Mr. Scruggs was pleased that the city will have the right and opportunity, during and after construction, to resolve any issues regarding stormwater management facilities even though this property is located in York County.

Mr. Freiling clarified that the city targets only certain properties for protection of the water shed. Mr. Clayton said the impervious surface had been greatly reduced for the property.

Mr. Haulman noted that this development creates the minimum impact on the reservoir, and said this was a good opportunity to reduce the city's debt.

Mr. Freiling congratulated Mr. Phillips on negotiating this sales contract, and Mr. Phillips recognized Mr. Tuttle's work on the agreement.

Mr. Chohany Moved That City Council Authorize Execution of the Purchase and Sale Agreement for the "Royals Property" with Authority for the City Attorney to Make Changes of a Non-Substantive Nature and Take All Actions Necessary to Complete the Transaction. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Mr. Tuttle and Council members recognized Mr. Bob Singley, the city's agent, for his work and diligence on this sale.

Amendment to the Braxton Court Program Design Document

Reference for this item was Mr. Tuttle's report dated September 1, 2005. Ms. Miller explained that the original Braxton Court Program Design document does not include a provision for the purchase, rehabilitation and sale of property with CDBG funds by the Housing Authority. The Virginia Department of Housing and Community Development requires an amendment to the design document to reflect that provision. This question came up when the Authority had the opportunity to purchase 104 Braxton Court for a low to moderate income family. The amendment has been approved by the Department of Housing and Community Development and also by the Housing Authority Board. It is recommended that Council approve the amendment.

Mr. Haulman noted that this amendment provides flexibility to provide for owner-occupied housing. Council members concurred.

Mr. Scruggs Moved That City Council Approve the Amendment to the Program Design Plan for the Braxton Court Community Development Block Grant Project. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Courthouse Maintenance Fund, Proposed Resolution #05-19

Reference for this item was Mr. Tuttle's report dated September 1, 2005, which included the letter of request from Judge Sam Powell. Mr. Tuttle explained that State Code provides for the City and James City County to collect fees for civil actions filed in the district or circuit courts within each locality's boundaries, and for criminal and traffic cases. The fund is to be used for "the construction, renovation, or maintenance of courthouse or jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance." The available balance in the account as of September 1, 2005, is \$187,137.

City and County staffs are recommending that City Council and the Board of Supervisors authorize the request of Judge Powell to expend up to \$19,775 for design and construction documents for development of a "400th Anniversary Commemorative Circle" at the Williamsburg/James City County Courthouse. Once the project is bid, a second request for release of Courthouse Maintenance Funds will be requested to construct the project, which is estimated to cost \$200,000.

Council members discussed the use of the courthouse maintenance fund for this type of project and the possibility of setting a precedent. Mr. Phillips was of the opinion that the circle could be considered part of the courthouse facilities. Mr. Tuttle explained the provisions of the city/county courthouse agreement that addresses courthouse costs. Mr. Tuttle felt this expenditure was appropriate from the fund as long as the governing bodies approve.

Mr. Tuttle urged Council to approve this request to fund design work, but also send the message that they do not want this fund used for construction of the project. This item is on the Board of Supervisors agenda next week. Mr. Freiling noted that if there was a shortfall in the maintenance fund, the city would have to make up its proportional share. Mr. Chohany suggested that the private sector help with the cost of this project.

Mr. Scruggs appreciated the Judge's vision and leadership, and hoped this decision would be unanimous. Mayor Zeidler said the character of a community speaks to how we treat our public buildings. She thought it important to help this project move forward.

Mr. Freiling Moved That City Council Adopt Proposed Resolution #05-19, Authorizing the Disbursement of Up to \$19,775 From the Courthouse Maintenance Fund for Design of Improvements to the Courthouse Circle in Honor of the 400th Anniversary of the Founding of Jamestown. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (See Attached Adopted Resolution #05-19)

Approval to Expand TNCC Local College Board, Proposed Resolution #05-18

Reference for this item was Mr. Tuttle's report dated September 1, 2005. Mr. Tuttle said that the Thomas Nelson Community College Board has requested that the composition of its Board be expanded, based on the recommendation of an ad hoc committee of local representatives to the Local College Board. If approved, the Board would expand from eleven to fourteen members as follows: Newport News and Hampton- four representatives; York County and James City County-two representatives; Poquoson and Williamsburg- one representative. Virginia statute requires approval of the expansion by each on the governing bodies represented on the Board. Mr. Tuttle recommended that Council approve the request.

Mr. Scruggs Moved That City Council Adopt Resolution #05-18, Approving the Expansion of the Thomas Nelson Community College Local College Board. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (See Attached Adopted Resolution #05-18)

Third High School Cost – Verbal Report

Mr. Tuttle reported that there is a gap between budgeted funds and the total cost of approximately \$10M. Negotiations with the low bidder are taking place to bring the costs down, and the School Board has approved the use of fund balance in the amount of \$600,000 to help fill the gap. The schools are working on other allowances and alternatives. Sandy Wanner, James City County Administrator, indicated that the county is looking at making an additional significant contribution to help fill the gap. The city could be facing an additional cost of \$600,000-\$700,000 more than our initial budget, but ultimately the city's percentage will be based on our contract with the county. All parties are committed to finding a way for the construction of a third high school. Mr. Tuttle recognized Mr. Scott Burckbuchler, the School Division's new Finance Director, who has been working on this issue. Mr. Tuttle said the city would have to address its gap in our CIP funds for the school, perhaps through reallocation.

Mayor Zeidler said there is a lot of difficult work to do to close the gap, and the city is willing to pay its share for a third high school. Mr. Tuttle said that the bid is good for 45 days and the clock is running, but he anticipated this to be resolved within the next couple of weeks. The city has budgeted \$4M, and as costs are incurred by the contractor, the money will be drawn down over a period of eighteen months. The September 30 school enrollment will drive the percentage the city will pay next year for schools.

Real Property Tax Trends

Reference for this item was Mr. Tuttle's report dated September 1, 2005. Mr. Tuttle reviewed the residential real property taxes fact sheet provided to Council. He addressed the trends, the city's low tax rate, the low reliance on real estate tax rate compared to other forms of local taxes, and tax deferral for the elderly. The City Code section regarding tax relief for the elderly and disabled has been updated to reflect changes in compliance with maximum benefit under State law. Mr. Phillips will next address the ordinance provided for Council's consideration. Mr. Tuttle said there is a provision in Virginia law (Section 58.1-3219.1, Code of Virginia) which allows localities to adopt ordinances to defer payment of real estate taxes which exceed 105% of the prior year's tax. Currently, to the best of our knowledge no Virginia city, town or county has adopted this provision. Mr. Tuttle suggested that Council wait to see what the General Assembly decides on that issue.

City Attorney Report

Tax Deferral for the Elderly and Disabled, Proposed Ordinance #05-21

Reference for this item was Mr. Tuttle's report dated September 1, 2005. Mr. Phillips said the city code has a section regarding tax deferral for the elderly, but few people have taken advantage of the deferral. The proposed ordinance liberalizes what is available for deferral and brings it up to the maximum allowed by State Code. Mr. Phillips reviewed the amended provisions of the proposed ordinance as shown in italics. He asked that Council approve the change in Paragraph 3, Page 2, that the affidavit to request deferral must be filed by December 1, rather than October 1. The ordinance adds an exemption for the disabled

providing certain qualifications are met. Deferral terminates either by death or the person regains capacity, and interest will be applied to the period of disability.

Mr. Scruggs observed that this provision protects people who cannot pay their taxes for certain reasons from losing their property. While the tax payment is deferred and a lien will be placed on the property, increasing property values will sufficiently provide a return on the investment to pay the taxes due.

Mr. Freiling clarified that the purpose of this is to include the most inclusive language allowed by state law (based on age, disability, income and asset limitation). Mr. Phillips said that while no one has taken advantage of the tax deferral to this point, State Code now requires that property owners be notified annually of the availability of deferral. The Finance Department will include a notice about deferral on the next property tax bills.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #05-21, An Ordinance to Amend and Reordain Chapter 18, Taxation of the Williamsburg Code by Amending Section 18-54, Deferral of Taxes on Real Property of Certain Elderly Persons, with the Provision that the Affidavit Claiming Deferral Shall be Filed by December 1(Paragraph 3, Page 2). The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (See Attached Adopted Ordinance #05-21)

Authorizing Settlement of Sale of High Street, Proposed Resolution #05-21

Council members received a copy of the proposed resolution pertaining to the closing of the High Street property. Mr. Phillips explained that this resolution authorizes the Mayor to sign the settlement documents for the High Street property. Virginia Law requires that the sale of public property be authorized by a minimum of three-fourths vote by the governing body. Since the time of the original contract and subsequent amendments, the city bought out the right for a two-acre bank parcel in the amount of \$650,000. When the High Street property is conveyed to Roseland, it will include the two-acre parcel, as well as the other property, and Roseland will reimburse the city \$650,000. The proposed resolution authorizes execution of the deed(s) and closing documents and gives the City Manager some latitude to execute phasing schedules.

Mr. Chohany Moved That City Council Adopt Proposed Resolution #05-21, Resolution Authorizing the Mayor of the City of Williamsburg, Virginia to Sign All Deeds Required to Effect Settlement of Sale of High Street Property and the City Manager to Sign All Other Documents Necessary to Settlement. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

NEW BUSINESS

Appointments to Boards and Commissions

Mayor Zeidler said that Council would discuss appointments during closed session.

<u>Fire Department Calendar</u>: Chief Weiler reported that the calendars will go on sale September 11, 2005, with all proceeds to go to the children's burn camp. The calendars will be available for \$10.00 at various locations in the city.

<u>United Way Day of Caring</u>: Mr. Tuttle reported that today, city employees volunteered at the Blayton Building (painting) and Wales Subdivision (neighborhood projects) to assist members of our community. Mr. Tuttle recognized Mr. Scruggs for his volunteer work at the Blayton Building.

<u>Mold Remediation</u>: Mr. Chohany asked that the city address mold remediation in the Council Chambers for the benefit of Council and citizens. Mr. Tuttle said he will prepare a report to Council.

OPEN FORUM

Jhett Nelson, 101-C. Brookwood Dr., Secretary of Public Affairs for Student Government at the College of William and Mary, stated that students are working on the goal of long lasting communication. They proposed two Council members per month visit informally with students at the college for open dialog sessions. Students and the college have initiated a Hurricane Katrina Relief concert at Lake Matoaka, as well as other fund raising events. The community is invited to participate. He invited people in the city to talk to students about issues in the community in hopes of resolving them.

Mayor Zeidler thanked Mr. Nelson for his work. City Council and city staff recently met with students and student leaders. Council members are eager to interact and meet with the students and look forward to a plan to do so.

Luther Low, Matoaka Court, Chairman of William and Mary Student Senate, thanked Council for inviting the students to the recent reception at the Community Building. Students looked forward to communicating with Council and to an exciting and busy year. He invited Council and residents to contact them with questions or ideas at www.sa.wm.edu.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, regarding appointments to boards and commissions. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 4:49 p.m. The Mayor called a five-minute recess.

OPEN MEETING

At 4:59 p.m. Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: September 8, 2005

Motion: Mr. Haulman Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None Absent During Meeting: None

Appointments to Boards and Commissions

Mr. Haulman Moved that City Council Appoint:

Ms. Edith M. Chutkow to the Colonial Services Board, to Fill the Unexpired Term of Mr. William Marshall to Expire June 30, 2006; and

The Honorable Prentis Smiley, Jr., Circuit Court Judge for York County to the Colonial Community Criminal Justice Board for a Two-Year Term to Expire June 30, 2007.

The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Ave: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 4:55 p.m.

Approved October 13, 2005

Jeanne Zeidler, Mayor

Shelia Y. Crist Clerk of Council